IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Kamakshi. Versus State of Rajasthan & ors..

S.B. Criminal Misc. Petition No.451/2003 against the order dated 25-4-2003 passed by the Sessions Judge, Jaisalmer, in Criminal Revision No. 20/2003.

...

Date of Order: November 20, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
None present for the non-petitioners No. 2 to 6.

BY THE COURT:

No one appears for the petitioner and the non-petitioners No.2 to 6 despite repeated calls.

Heard learned Public Prosecutor.

This criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter) is directed against the order dated 25-4-2003 passed by the Sessions Judge, Jaisalmer (for short, "the Revisional Court" hereinafter), whereby the revision petition filed by the non-petitioners No.2 to 6 against the order dated 8-8-2002 passed by the Chief Judicial Magistrate, Jaisalmer (for

short, "the trial Court" hereinafter) was allowed and the order dated 8-8-2002 passed by the trial Court taking cognizance of the offences under Section 498-A IPC against the non-petitioners No.2 to 6 has been quashed.

I have carefully gone through the memo of the criminal miscellaneous petition, the order passed by the courts below, the first information report and the other relevant material on record.

From a perusal of the order impugned, it appears that the report was lodged by the petitioner for the offence under Section 498-A, IPC alleging therein that she married to non-petitioner No.2 Praveen on 9-3-1996 according to Hindu rites at Gaziabad (U.P.); she was subjected to cruelty by her husband and the other relatives of her husband, who are non-petitioners No.3 to 6, in connection with demand of dowry and she was forced to take the meals against her liking, as also there was some imputations regarding her character. Ultimately, she came to her parents' house and thereafter lodged the report.

After investigation, the police filed a negative final report. On a protest petition filed by the petitioner-complainant, the trial Court recorded the statement of the complainant and her witnesses under Sections 200 and 202 of the Code and took cognizance of the offence under Section 498-A IPC. On a revision by the non-petitioners No.2 to 6, the Revisional Court

held that no cause of action took place at Jaisalmer and, therefore, on the ground of lack of jurisdiction, the Revisional Court allowed the revision petition and set aside the order dated 8.8.2002 passed by the trial Court.

On a careful perusal of the record, it is clear that no cause of action took place at Jaisalmer. The marriage between the complainant-petitioner and non-petitioner No.2 was solemnized at Gaziabad. If any dowry was given, it was given at Gaziabad. Any harassment or cruel treatment, as alleged by the petitioner, also took place at Gaziabad. Therefore, keeping in view the decision of the Hon'ble Supreme Court in Y. Abraham Ajith & ors. Vs. Inspector of Police, Chennai & Anr., 2004 AIR SCW 4788, the Revisional Court was justified in setting aside the order of the trial Court on the ground of lack of jurisdiction.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs